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OLC 72-0736
21 June 1972

MEMORANDUM FOR THE RECORD

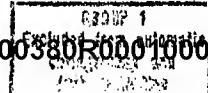
SUBJECT: Case Compromise to Dominick Amendment to Section 515
of the Foreign Assistance Authorization Act (S. 3390)

1. Miss Cheryl Klein, in the Office of Senator Dominick, reported to us today that she had received a call from John Marks, on the staff of Senator Clifford Case (the author of Section 515 of the Foreign Assistance Authorization bill), and stated that the Senator did not want Dominick's amendment to come to a vote on the Senate floor and they were prepared to offer a compromise, striking Laos and North Vietnam from the Section, leaving its application only to Thailand. Marks commented that they felt their section might well be in jeopardy in conference anyway.

2. Miss Klein told Marks that the Senator was tied up in a Committee markup session this afternoon and she was not sure when she could get to him. I told her that I was quite certain a compromise along the lines suggested by Marks would take care of the Agency problem with respect to the [redacted] but that this raised a larger question as to whether the application of the section to Thailand creates any problem for the Administration. I told her that I would be in touch with the State Department on this.

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3. After talking with Messrs. [redacted] FE Division, and [redacted] OGC, I subsequently talked with Mr. James Halmo and Mr. Marshall Wright, in the State Department, and advised them of the compromise offered by Case's office. [redacted] also communicated this information to Chuck Darris and Mark Pratt, in State, with the suggestion that it be brought to the attention of Ambassador William Sullivan.

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4. After consultation with the Director and Mr. John Lehman, of the White House staff, and with the agreement of Mr. Wright I called Miss Klein back and suggested a revision of Section 515 which would be acceptable to the Agency. It would strike entirely Subsection (b) and change former Subsection (a) to read as follows:

"No funds authorized under this Act shall be made available by any means by any officer, employee, or agency of the United States Government for the purpose of financing any military operations by foreign forces in Thailand unless Congress has specifically authorized or specifically authorizes the making of funds available for such purpose."

I told Miss Klein that they were obviously negotiating from a position of strength and should hold to this language as a minimum position. I pointed out, however, that a final decision to accept Case's compromise should come from the State Department.

5. I also suggested that in preparing a position for Senator Dominick they should state that while he feels Section 515 should be stricken from the bill entirely the agreed language would satisfy his principal concerns and he would be willing to leave the final decision with respect to Thailand to the conferees. I pointed out that Senator Stennis took this kind of a position on a similar provision in this legislation last year and the measure was stricken in the House/Senate conference.

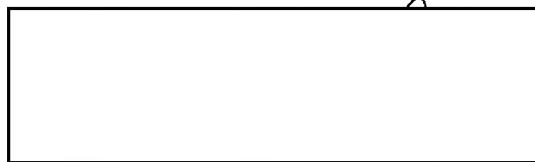
6. Later in the day Miss Klein called and said she had spoken briefly to Senator Dominick about the handling of the amendment and he had indicated his agreement with striking Subsection (b) of Section 515 and deleting reference to "any provision of law" as it appeared in Subsection (a). She went on to say, however, that he was thinking of requesting four hours for debate on the amendment and requesting a secret session of the Senate in order to allow a full discussion of the matter. I told Miss Klein I thought this was much to much time (that a half hour of debate on each time seemed sufficient) and that I thought requesting a closed session of the Senate was a big mistake. She said she had talked with John Goldsmith, of the Senate Armed Services Committee staff, about the four-hour time limit and both he and Ed Braswell, of the staff, felt that the Senator should allow only enough time for the presentation of the statements of the various members who supported the bill.

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7. She said she had some difficulty with the Senator's reasoning for such a long debate period and for a secret session and would take this up with him again in the morning. I told her that we would consult with the Director on the idea of a secret session and we would talk further tomorrow morning.

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Deputy Legislative Counsel

Distribution:

Original - Subject

1 - OGC

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